

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE PETITION OF RC) ORDER ASSESSING COSTS AND
TECHNOLOGIES FOR RESOLUTION OF) CLOSING DOCKET
DISPUTED RAILROAD CROSSING APPLICATION)
)**

TC18-059

On November 2, 2018, the South Dakota Public Utilities Commission (Commission) received a Petition from RC Technologies Inc., requesting resolution of a disputed railroad crossing application pursuant to SDCL Ch. 49-16A. The crossing in dispute involves Sunflour Railroad, Inc. (Sunflour). According to the Petition, RC Technologies Inc. alleges to have sent a crossing application to Sunflour on October 29, 2018, and asserting that the crossing application is now in dispute, seeks Commission resolution of the crossing application. SDCL § 49-16A-100.7 provides for a resolution within 60 days and requires costs associated with a petition be equitably assessed against the parties.

On November 8, 2018, the Commission electronically transmitted notice of the filing to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. A hearing was noticed for December 11, 2018, but was canceled upon notification that the parties had reached an agreement. The sixty-day time frame expires on January 2, 2019.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-16A, specifically 49-16A-100.7.

At its regularly scheduled meeting on December 28, 2018, the Commission considered this matter. Commission staff requested the Commission equitably assess the parties the costs of processing this docket and close docket. RC Technologies stated that the parties had resolved the crossing issue that was time-sensitive, though other issues may arise at a later date. The Commission voted unanimously to assess the costs to account for the actual expenses incurred in the processing of the docket and to close the docket. Finding that Sunflour was responsible for the costs in this docket, the Commission voted unanimously to assess one hundred percent of the costs to Sunflour. It is therefore

ORDERED, that Sunflour is assessed one hundred percent of the costs incurred in the processing of this docket. It is further

ORDERED, that this docket is closed as of the date of this Order.

Dated at Pierre, South Dakota, this 28th day of December 2018.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically or by mail.

By: Adam de Hueck

Date: 12/28/18

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiegen

KRISTIE FIEGEN, Chairperson

Gary Hanson

GARY HANSON, Commissioner

Chris Nelson

CHRIS NELSON, Commissioner